



DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) of the DoN has determined that USS THEODORE ROOSEVELT (CVN 71) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and is applicable beginning May 20, 2013.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jocelyn Loftus-Williams, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE, Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR Part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law) of the DoN, under authority delegated by the Secretary of the Navy, has certified that USS THEODORE ROOSEVELT (CVN 71) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(g), pertaining to the placement of the sidelights above the hull; and Annex I, paragraph 2(i) (iii), pertaining to the vertical line spacing of the task lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS

requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), and Vessels.

For the reasons set forth in the preamble, amend part 706 of title 32 of the CFR as follows:

PART 706-CERTIFICATIONS AND EXEMPTIONS UNDER THE  
INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA,  
1972

1. The authority citation for part 706 continues to read:

Authority: 33 U.S.C. 1605

2. Section 706.2 is amended as follows:

A. In Table Two by revising the entry for USS THEODORE ROOSEVELT (CVN 71); and

B. In Table Four by adding the following entry for USS THEODORE ROOSEVELT (CVN 71).

The additions read as follows:

§706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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Table Two

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Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight dk in meters; §2(K), Annex I	Forward anchor light, number of; Rule 30(a) (i)	AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a) (ii)	AFT anchor light, number of; Rule 30(a) (ii)	Side lights, distance below flight dk in meters; §2 (g), Annex I	Side lights, distance forward of forward masthead light in meters; §3(b), Annex I	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I
USS THEODORE ROOSEVELT	CVN 71	30.0	--		--		0.43	--	--

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Table Four

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Vessel	No	Vertical separation of the task light array is not equally spaced, the separation between the middle and lower task light exceed the separation between the upper and middle light by
USS THEODORE ROOSEVELT	CVN 71	0.18 meter

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